

Declaration for Patent Application



BI Case No. 14/042,44-US
Atty. Docket No. 0652.2080000/REF

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Method for Measuring the Apoptosis, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on November 27, 1998 (I.A. Filing Date);
as United States Application Number 09/555,211, which is the U.S. national phase of International Application
No. PCT/EP98/07682; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

<u>197 52 922.4</u> (Application No.)	<u>Germany</u> (Country)	<u>28/11/1997</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>198 05 229.4</u> (Application No.)	<u>Germany</u> (Country)	<u>10/02/1998</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

_____ (Application No.)	_____ (Filing Date)
_____ (Application No.)	_____ (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>PCT/EP98/07682</u> (Application No.)	<u>27 November 1998</u> (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

Send Correspondence to:

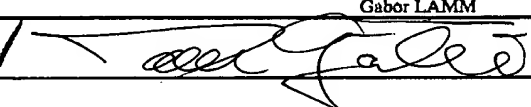

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Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Peter STEINLEIN
Signature of sole or first inventor ✓ <i>P. St. L.</i>	11/17/00 Date ✓
Residence	Vienna, AUSTRIA <i>ATX</i>
Citizenship	German
Post Office Address	Rembrandtstrasse 10/4 A-1020 Vienna, AUSTRIA
Full name of second inventor	Johannes HOFFMANN
Signature of second inventor ✓ <i>Joh. Hoffmann</i>	11/17/00 Date ✓
Residence	Vienna, AUSTRIA <i>ATX</i>
Citizenship	Austrian
Post Office Address	Anton-Frank-Gasse 3/9 A-1180 Vienna, AUSTRIA

Full name of third inventor	Gabor LAMM		
Signature of third inventor		30.11.2000	Date <input checked="" type="checkbox"/>
Residence	Munich, GERMANY DEX		
Citizenship	Hungarian		
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	D-80796 Munich, GERMANY		
Full name of fourth inventor	Gerhard CHRISTOFORI		
Signature of fourth inventor		23.11.00	Date <input checked="" type="checkbox"/>
Residence	Vienna, AUSTRIA ATX		
Citizenship	German		
Post Office Address	August-Greifmweg 17		
	A-1230 Vienna, AUSTRIA		
Full name of fifth inventor			
Signature of fifth inventor			
Residence			
Citizenship			
Post Office Address			

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(Supply similar information and signature for subsequent joint inventors, if any)

ASSIGNMENT

U.S. Appl. No. 09/555,211
BI Case No. 14/042,44-US
Atty. Docket No. 0652.2080000/REF

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): Peter STEINLEIN, Johannes, HOFFMANN, Gabor LAMM, and Gerhard CHRISTOFORI, the undersigned inventor(s) hereby sell(s) and assign(s) to Boehringer Ingelheim International GmbH (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

(a) in the invention(s) known as Method for Measuring the Apoptosis for which application(s) for patent in the United States of America has (have) been executed by the undersigned on 11/17/00, 11/17/00, 11/30/00 and 11/23/00 (also known as United States Application No.: 09/555,211 which is the U.S. national phase of International Application No. PCT/EP98/07682, international filing date November 27, 1998) in any and all applications thereon, in any and all Letters Patent(s) therefor, and

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Reg. No.
32,893

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; Samuel

L. Fox, Esquire, Registration No. 30,353; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; Raz E. Fleshner, Esquire, Registration No. 34,331; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: <u>✓ 11 / 17 / 00</u>	Signature of Inventor: <u>✓ P. Steinlein</u> Peter STEINLEIN
Date: <u>✓ 11 / 17 / 00</u>	Signature of Inventor: <u>✓ J. Hoffmann</u> Johannes HOFFMANN
Date: <u>✓ 11 / 30 / 00</u>	Signature of Inventor: <u>✓ G. Lamm</u> Gabor LAMM
Date: <u>✓ 23.11.00</u>	Signature of Inventor: <u>✓ G. Christofori</u> Gerhard CHRISTOFORI

POWER OF ATTORNEY FROM ASSIGNEE

BI Case No. 14/042,44-US
Atty. Docket No. 0652.2080000/REF

Boehringer Ingelheim International GmbH, a corporation of Germany, having a principal place of business at Binger StraÙe 173, D-55216 Ingelheim am Rhein, GERMANY, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on 11/17/00, 11/17/00, 11/30/00 and 11/23/00, respectively of an invention known as Method for Measuring the Apoptosis (Attorney Docket No. 0652.2080000/REF), which is disclosed and claimed in a patent application of the same title by the inventor(s) Peter STEINLEIN, Johannes, HOFFMANN, Gabor LAMM, and Gerhard CHRISTOFORI (said application filed on international filing date November 27, 1998) at the U.S. Patent and Trademark Office, having Application Number 09/555,211 which is the U.S. national phase of International Application No. PCT/EP98/07682,).

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29 The Assignee hereby appoints the following U.S. attorneys to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; Samuel L. Fox, Esq., Reg. No. 30,353; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; Raz E. Fleshner, Esq., Reg. No. 34,331; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

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FOR: Boehringer Ingelheim International GmbH
ppa. Paul i.v. M. Hoss
SIGNATURE: ✓
BY: ✓ Dr. Dieter LAUDIEN ✓ Marior HOSS
TITLE: ✓ Head of Patent Division ✓ Authorized Person of Patent Division
DATE: ✓ Dec. 13, 2000